



Housing Committee
Public Hearing
February 17, 2009

Testimony of Jeffrey Freiser
Executive Director, Connecticut Housing Coalition

Oppose the following bills on today's agenda that would amend or repeal the Affordable Housing Appeals Procedure (C.G.S. Section 8-30g) or otherwise inhibit the development of affordable housing: SB 206, SB 207, SB 208, HB 5240, HB 5525, HB 5527, HB 5552, HB 5584, HB 5585, HB 5586, HB 5587, HB 5588, 5589, HB 5590, HB 5591, HB 5593, HB 5594, HB 5595, HB 5596, HB 5597, HB 5976, HB 5977.

Oppose HB 5978, AAC Eviction of a Tenant Due to Nonpayment of Rent.

The Connecticut Housing Coalition is a network of over 250 community-based, affordable housing organizations from across the state. Our membership includes nonprofit developers, social service agencies, resident associations, and diverse other housing practitioners and advocates. I was privileged to serve as a member of the Blue Ribbon Commission to Study Affordable Housing, which in 1999-2000 conducted an extensive review of the Affordable Housing Appeals Procedure (C.G.S. Sec. 8-30g).

Appeals Procedure Background

In 1989, Connecticut enacted landmark legislation to overcome exclusionary zoning practices. The Affordable Housing Appeals Procedure established a new standard of review for municipal zoning decisions concerning affordable housing.

A developer denied an opportunity to build affordable housing by a local land use board may appeal the rejection in court. Under the appeals law, the judge must determine whether the town's reasons for its denial "clearly outweigh the need for affordable housing." In applying this standard, the court respects bona fide objections, such as genuine traffic safety or sewer problems, for turning down a housing proposal. But zoning decisions based on insubstantial or inappropriate reasons aimed at excluding affordable housing are overturned.

Approximately 4,700 units of affordable housing, and an additional 5,000 market rate units, have been produced as a result of this law since its passage. At the same time, the courts have repeatedly decided in favor of towns when their reasons for denial were legitimate.

Meeting Our Housing Needs

Housing is an essential ingredient to Connecticut's future. Housing that is safe, decent and affordable means stable families, thriving children and vibrant neighborhoods. More than that, housing means opportunity, jobs, growth and revenue for our state. Teachers, police and

firefighters cannot afford to live in the towns they serve. Our highways are clogged because people cannot afford to live near where they work. Businesses will not choose to locate or expand in Connecticut if their employees cannot afford to live here. Housing is an engine of economic expansion. Housing is where jobs go at night.

Since the law was first enacted, the legislature has seen contentious debate and countless bills and amendments directed at the Affordable Housing Appeals Procedure. The Blue Ribbon Commission managed to forge an effective compromise with broad, bi-partisan support. In 2000, legislation was adopted, based on the Commission's recommendations, which represented a thoughtful, carefully crafted resolution of divergent views about the appeals statute. Towns that have seen significant development under the appeals law are now granted a four-year, renewable moratorium. All towns benefit from more effective tools to review proposals and to enforce standards upon developers. And most important, a greater proportion of housing that is produced is more affordable and for a longer period.

If a town chooses to actively promote affordable housing, it will be able to earn a four-year moratorium or a full exemption from the appeals process. We strongly encourage towns to establish partnerships with nonprofit housing developers. In this way, a town can spur housing development that best meets its local needs and is most appropriate for the character of the community. Even towns that faced litigation have now come to appreciate and embrace relationships with housing nonprofits – for example, Trumbull's cooperative efforts with the Mutual Housing Association of Southwestern Connecticut and West Hartford's work with the West Hartford Interfaith Housing Coalition and the Christian Activities Council.

We urge the members of the Select Committee on Housing to maintain an effective Affordable Housing Appeals Procedure and not take a step backward in our commitment to fair housing opportunity.

In addition, the Connecticut Housing Coalition opposes HB 5978, AAC Eviction of a Tenant Due to Nonpayment of Rent. This bill would impose unconstitutional, financial restrictions on a tenant's right to mount a defense in an eviction action.



Facts about Connecticut's Affordable Housing Appeals Procedure (8-30g)

An effective anti-exclusionary zoning statute



Old Oak Village, Wallingford

30% of set-aside development is deed-restricted for at least 40 years. At least half of the deed-restricted units are affordable to households below 60% and the remainder to households below 80% of area median income.

A recent analysis of construction under this act found that at least 4,700 affordable units and 5,000 lower-cost, market-rate units have been built.



Cutspring Village, Stratford



Mill Pond, New Canaan

In Fairfield County, a two-bedroom unit affordable for households below 60% of median income must generally sell for \$140,000 or less, depending on the mortgage terms and utility costs. For comparison, the median single-family unit sold for \$535,000 in 2006.

When towns can show appropriate reasons for denials, the decisions are upheld. Towns have won almost one-third of appeals.



Saranor Apartments, Milford



Summerdale Condominiums, North Haven

Construction under the act is subject to the same environmental regulation and review by environmental boards and agencies as any other residential development.

Towns with substantial qualifying affordable housing construction – no matter how far below the 10% exemption - can obtain a four-year moratorium based on “housing unit equivalent points.”



Trumbull Townhomes, Trumbull

"From the beginning, the purpose of the affordable housing statute has been to break down barriers that cities and towns may erect through their land-use regulations to prevent racial and economic integration."

Philip Tegeler, Former Legal Director of the Connecticut Civil Liberties Union